

REMARKS

Claims 1-52 are pending and are rejected.

By the above amendment, claims 1-2, 7, 12, 20, 22-24, 44-45, and 49 are currently amended, Claims 3, 21, 25-43 and 46 are canceled without prejudice and Claims 53 and 54 are newly added. No new matter has been added by virtue of the claim amendments. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

Claim Rejections - 35 U.S.C. 103

The following obviousness rejections are currently asserted:

- (i) Claims 1, 6-8, 12-14, 16, 20-23, 29-31, 35-37 and 43 are rejected as being unpatentable over U.S. Patent No. 6,567,893 to Challenger et al. in view of U.S. Patent No. 6,303,132 to Islam et al.
- (ii) Claims 2-3 and 24-26 are rejected as being unpatentable over Challenger in view of Islam and further in view of the article by Stenstrom.
- (iii) Claims 4-5, 15, 27-28 and 38 are rejected as being unpatentable over Challenger in view of Islam and further in view of U.S. Patent Publication No. 2003/0061272 to Krishnamurthy et al.
- (iv) Claims 9 and 32 are rejected as being unpatentable over Challenger in view of Islam and further in view of U.S. Patent Publication No. 2003/0172236 to Iyengar et al.
- (v) Claims 10-11 and 33-34 are rejected as being unpatentable over Challenger in view of Islam and further in view of U.S. Patent Publication No. 2002/0107935 to Lowery et al.
- (vi) Claims 17-19, 40-42, 44 and 49-50 are rejected as being unpatentable over Challenger in view of Islam and further in view of U.S. Patent No. 6,145,054 to Mehrotra et al.

(vii) Claims 45-46 are rejected as being unpatentable over Challenger in view of Islam and in view of Mehrotra and further in view of Stenstrom.

(viii) Claims 47-48 are rejected as being unpatentable over Challenger in view of Islam and in view of Mehrotra and further in view of Krishnamurthy

(ix) Claims 51-52 are rejected as being unpatentable over Challenger in view of Islam and in view of Mehrotra and further in view of Lowery.

Applicants have amended the claims in a sincere effort to further clarify patentable principles of the claimed inventions over the cited references of record and place the application in condition for allowance. By the above amendment, claims 1, 20, 44 and 53 are the remaining independent claims. Applicants respectfully assert that at the very least, amended claims 1, 20 and 44 and new claim 53 are patentable over any combination of cited references as set forth in the Office Action.

For example, Applicants respectfully assert that claims 1 and 20 are patentable over the combination of Challenger and Islam for at least the reasons that the combination of Challenger and Islam does not specifically teach the claimed features of *providing a plurality of plurality of consistency policies including at least a first and second consistency policy, wherein each consistency policy specifies how to reconcile multiple versions of an object, selectively applying the first consistency policy to achieve a degree of consistency above a consistency level at a first overhead, and selectively applying the second consistency policy to achieve a degree of consistency below the consistency level at a second overhead which is less than the first overhead, to thereby achieve greater system performance by reducing the overhead for maintaining consistency*, as recited in claims 1 and 20. Support for these claim features of claims

1 and 20 can be found in Applicants' specification at page 49, line 11 through page 51 line 2, for example.

The Examiner acknowledges that Challenger does not disclose a plurality of consistency policies, but cites various sections of Islam (as set forth on page 3 of the Office Action) as teaching the selection of consistency policies to improve system performance. Although Islam arguably discloses consistency functions that are linked to cache items, Islam does not specifically disclose in the cited sections *first and second constancy policies that are selectively applied for a cached object to achieve different degrees of consistency with regard to a consistency level at different overheads*, as essentially recited in claims 1 and 20. Indeed, in addition to considerations of system performance, the claimed inventions are further based on the consideration of other factors and tradeoff considerations with regard to *levels of consistency* and *system overheads*, which considerations are not specifically discussed in the cited references. For at least these reasons, claims 1 and 20 are believed to be patentable over the combination of Challenger and Islam.

Furthermore, claim 44 as amended is similar in scope to that of claims 1 and 20 at least with regard to the recitation of *a consistency coordinator having selective communication with the caches, which selectively applies the first consistency policy to achieve a degree of consistency above a consistency level at a first overhead and which selectively applies the second consistency policy to achieve a degree of consistency below the consistency level at a second overhead which is less than the first overhead, to thereby achieve greater system performance by reducing the overhead for maintaining consistency*, as recited in claim 44. Accordingly, claim 44 is believed to be patentable over the combination of Challenger and Islam and Mehrotra for at least the same

reasons given above for claims 1 and 20 and further in view of the fact that Mehrotra does not cure the deficiencies of Challenger and Islam with regard to the newly added claim features.

Moreover, newly added independent Claim 53 recites, inter alia, the limitations of *selectively applying the first consistency policy to achieve a degree of consistency above a consistency level at a first overhead; and selectively applying the second consistency policy to achieve a degree of consistency below the consistency level at a second overhead which is less than the first overhead, to thereby achieve greater system performance by reducing the overhead for maintaining consistency*, similar to that of claims 1, 20 and 44. Claim 53 is therefore believed to be patentable over the combination of Challenger and Islam for at least the same reasons given above for claims 1, 20 and 44 and further in view of the fact that none of the remaining cited references of record appear to cure the deficiencies of Challenger and Islam with regard to such claim features.

Accordingly, the remaining independent claims 1, 20, 44 and 53 at the very least are believed to be patentable over the cited art of record. With regard to the remaining dependent claims and their associated obviousness rejections, Applicants respectfully assert that at the very least, such claims are patentable over the cited art of record at least by virtue of their dependence from any one of claims 1, 20, 44 or 53. Accordingly, withdrawal of all obviousness rejections is respectfully requested.

The office is authorized to charge applicant's deposit account number 500510 the one-month extension fee of \$120.00.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's IBM Deposit Account No. 50-0510.

Respectfully submitted,



Frank V. DeRosa
(Registration No. 43,584)

Mailing Address:

KEUSEY, TUTUNJIAN & BITETTO, P.C.
20 Crossways Park North, Suite 210
Woodbury, NY 11797
Tel: (516) 496-3868
Fax: (516) 496-3869